HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH: Hon'ble Shri S.R. Nayak, CJ

WRIT PETITION No. 5850 OF 2005

PETITIONER DFD. NO.1

Ramnarayan Rajwade , S/o Gulabchand Rajwade, aged about 48 years, Occupation-service in State Bank of India, Surajpur, r/o village Badkapara, Surajpur, Tehsil Surajpur, District Surguja, C.G.

Versus

RESPONDENTS

1. Gulabchand s/o Hukumsay, Caste-Rajwar, aged about 71 years, Occupation-Nothing, r/o village Badkapara, Surajpur, P.S. & Tehsil Surajpur, District - Sarguja, C.G. (Plaintiff)
2. The State of Chhattisgarh, Through Collector, Surguja, Ambikapur, District Surguja, C.G. (DFD. NO.2)

Present:
Mr.A.K.Prasad, learned counsel for the petitioner.

ORAL ORDER
(Passed on 9th of December 2005)

By the order impugned in this writ petition, the learned trial Judge has refused to receive the written statement sought tobe filed by the petitioner-defendant. Admittedly, the petitioner-defendant was served with summons on 03/07/2004 and though number of adjournments were granted, the petitioner-defendant did not file the written statement. In the circumstance, it could not be said that learned trial Judge did not exercise

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the discretion judiciously. The writ petition is, therefore, dismissed. There shall be no order as to costs.

Sd/-
Chief Justice